

LETTER

FROM

MR. HUMPHRY HODY,

TO A

F. RYSAINGTON

Concerning a Collection of Canons said
to be Deceitfully omitted in his
Edition of the Oxford Treatise
against SCHISM.

In which is likewise Contained
Offer of Certain Propositions to be prov'd by
the Advocates for the New Separation.

WITH

Indication of the Authority of the Civil Power in
Depriving such BISHOPS as refuse to submit to it.

*Nemo vos, Fratres, errare a Domini viis faciat. Nemo vos
Christianos ab Evangelio Christi rapiat. Nemo Fidos Ec-
clesiæ de Ecclesiâ tollat. Pereant sibi soli qui perire voluerunt.
Extra Ecclesiam soli remaneant, qui de Ecclesiâ exierunt.
S. Cypri.*

J. Butler

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LETTER

FROM

Mr. HUMPHRY HODY,

TO A

FRIEND.

Concerning a Collection of Canons, said
to be *deceitfully* Omitted by him, in
his Edition of the *Oxford Treatise*
against *SCHISM*.

SIR,

A Day or Two ago, upon my Return out of
the Country, I receiv'd your *Letter*, which
had lain some time expecting me: In which
you are pleas'd to advise me, concerning a *Report*
industriously spread abroad, by the Abettors of our
present *Schism*, That the *Treatise* against it, which
I lately Translated out of the *Baroccian MS.* is *Par-*
tially, and *Deceitfully* publish't; That there are some
Canons belonging to it omitted, which would, if
publish'd, have *unravel'd* the Whole: I had heard of
such a *Report* before I receiv'd your *Letter*, but I
rather admir'd at the *Heat* and *Judgment* of those
that

that first rais'd it, then thought it worthy to be taken notice off by me, and refuted. I could hardly believe, that they, that were the Authors of it, were really in earnest, when first the *Noise* was made; and, if they were in earnest, I knew that their Judgments were determin'd by so strong a *Brieff* of *Resentment* and *Zeal* for a *Cause*, that all men must easily perceive it. I could not perswade my self, that any Person of common *Ingenuity* and *Candour*, could believe me guilty of so dull a Piece of *Knavery*, a *Knavery* so easily discoverable, and that by my own *Direction*. It was really very entertaining to observe, to what little *Arts* and *Shiftings* our Adversaries were reduc'd. I plainly saw by their *Passion*, and their holding up *dirty Hands*, that I had given 'em a *Fall*. And I could not wonder, that so small a Person as your Friend should be so *stigmatiz'd*, when even *Cecilianus*, the great Arch-Bishop of *Carthage*, was, by the *Schismatical Donatists*, call'd
 * *Nebulo*. downright * *Knave*, in a Letter to the Emperour *Constantine*; and that too, tho He himself had *Judicially* acquitted him, and declar'd him a worthy Arch-Bishop. 'Tis this is the *Humour*, and indeed the *Unhappiness*, of Mankind: If in your *Opinions*, or *Actions*, you chance to run counter to a *Party*, there is no expecting of *Quarter*: you are fallen in among *Rapparees*, and, if it lies in their power, *God have mercy upon you*, you will certainly fall by one *Weapon* or other; you must either be a *Fool* or a *Knave*. Where the *Bluntness* of the former will not *pierte*, there the *Sharpness* of the latter must be try'd. They will *stab* one at the *Heart*, if they cannot *knock* one on the *Head*. This they will be sure to endeavour to do: but the best of it is, it
 does

of the *Treatise*, when he contends, That *A Bishop unjustly depos'd ought not to make a Division in the Church provided his Successor be Orthodox*, is to be understood of onely a *Synodical Deprivation*; By which he means, that the Author of the *Treatise* supposes, that, if a Bishop unjustly depriv'd, be depriv'd by a *Secular Power*, and not by a *Synod of Bishops*, then he is not oblig'd nor to make a Separation. Upon this account, I fee 'tis high time to rouse up my self a little, since the *Philistins* are so much upon me. I shall now, Sir, obey your Commands, in laying before you those *Canons* which our Adversaries so much boast off, and the *Reasons* why I did not publish 'em together with the *Treatise*; That you your self may judge what a *Nothing* that is, that has made such a *Bounce*; that 'tis onely *meer Powder*, that can hurt no one else but the Person that *Fires*.

In the first place, Sir, I must assure you, That when I transcrib'd our *Treatise* out of the *Barbocian MS.* I did it as an *Historian*, or a *Philologer*, or whatsoever else you will call it, not imagining then, I should ever send it abroad upon such an Occasion: If therefore the aforesaid *Canons* do truly belong to the *Treatise*, it is to be imputed to the error and mistake of my *Judgment*, and not to an *ill Design*, that they are omitted. I perus'd 'em, I remember, at that time, and they seem'd to me (as still they do) not at all to belong to the *Treatise*. They are written, I grant, in the same hand, and immediatly follow the *Treatise*, but (for God-sake!) what then? Are they therefore a part of the foregoing *Treatise*? What a wretched Judgment must that needs be, that can draw so strange a Conclusion? Here I cannot but return you that *Story*, which once, I remember, you told me,

me, of that poor Country Person who would needs have the *Book-binder's Leaf* to be a part of his *Bible*: He was told, it came after the *Index* that was in that *Bible*, and was not at all to the Purpose; no matter for that, it was Printed, he said, in the very same Letter, and must therefore needs be a Part. If you pittied the *Simpleness* of that poor Man, what, *Sir*, will you say, when you see even *Learned* and otherwise *Worthy* Men so much prostitute their Judgments to *Resentment* and the *serv'g of a Cause*, that rather then not be *Reveng'd* on the *saucy* Publisher of so *pestilent* a Treatise, and supply their Adherents with an *Antidote* against it, they will let themselves down to the lowest degree of *Absurdness*? We grant that our *Treatise* and the *Canons*, that follow it, are written in a *Hand* somewhat different from the rest of the *Volume*: But what can be thence concluded? Are our Adversaries so extreamly Strangers to MS. Volumes, as not to know, that, as they consist very often of several Treatises, and of several Hands, so many times they have *two* Tracts together, or more, of one Hand? This is true in particular of that very Volume, out of which our *Treatise* was publisht. The other Parts of the Volume, besides our *Treatise* and the *Canons*, are not all written in the same Hand, but in several: In one Hand two or three Treatises, in another two or three Others; it being made up of the Pieces of several Volumes bound together.

First, *Sir*, it is to be observ'd, That he that Transcrib'd that Volume, out of which the Leaves of our *Treatise* and the *Canons* were taken, and put into that in which they now ly; He, I say, that Transcrib'd our *Treatise* and the *Canons*, seems himself to have

have took 'em for two distinct Pieces: For between the *Abstract*, or *Summary*, of the *Treatise* and the Beginning of the *Canons*, there is somewhat a wider Space, than between the Lines of the *Treatise*, or between the *Treatise* and the *Abstract* of it. And what (I pray) if the *Canons* had been written just close upon the *Treatise*? I can shew you some *Scores* of Examples of *Collections* or *Treatises* wholly distinct, so closely connected in the Writing, without any Note of Distinction, that no one, but he that reads 'em, can possibly take 'em to be distinct. Who so little acquainted with this sort of Learning, as not to know, that *Librarians*, or Transcribers of Books, were oftentimes ignorant Persons, that did not at all understand what they wrote, but, like *Horace's* Painter, join'd oftentimes the *Head of a Man to the Neck of a Horse*?

In the Second place it is to be observ'd, That the *Treatise* as it is in the MS. and as it is publisht, is thus concluded: TO CONCLUDE ALL IN A WORD; ONE THING ONELY was requir'd by the Church (*καθόλης γὰρ εἶπεῖν ἐν μόνον ἑζητήετο ἡ ἐκκλησία &c.*) that the new Bishop should profess the same (*Orthodox*) Faith with the other that was depos'd, but as for other Complaints and Accusations, except it were Heresy, she never made any Examination into them. What Person of so little Sagacity and Judgment, as not to see, that here the whole *Treatise* is ended?

In the Third place, I shall give you as clear and plain a Demonstration, as can possibly be brought for the Confirmation of any thing of this Nature. It is this: Between the Conclusion of the *Treatise*, and the foresaid Collection of *Canons*, there comes in, in the MS. the *Abstract* or *Summary* of the *Treatise*, which

which stands, as it were, for an *Index*, as 'tis published in both the Editions. I cannot but admire, how it possibly could enter into any Man's Head, that that is a part of the *Treatise*, which follows the *Abstract* or *Epitome* of the *Treatise*.

In the Fourth place, it is to be observ'd, and this is likewise as clear a Demonstration as any one can possibly desire, That the Canons which follow our *Treatise* are barely transcrib'd, not at all connected by any words of the Transcriber; Not a word of his in either the beginning, or the end, or mixt with 'em, as I know by comparing them with those that are Printed; When yet it is certain, that the Author of our *Treatise* does every where use his *own* Style. Neither does he make any mention, in any part of his *Treatise*, that he would subjoin any *Canons*. If the *Canons* had belong'd to the *Treatise*, 'tis absurd to imagine that the Author would have said nothing of 'em, not express his Design in transcribing 'em. And if he had produc'd 'em, as our Adversaries would have it believ'd, to shew that in the foregoing *Treatise*, he understood onely a *Synodical Deprivation*, why does he not somewhere say so? Why make no mention of a *Synodical Deprivation*? Why leave us to judge of his *meaning* by his *gaping*?

This News, Sir, I know, will surprize you, which I tell you concerning the *bareness* of the *Canons*, that they are *nakedly* transcrib'd without any one Word added by the Transcriber; For you tell me, I remember, in your Letter, that they that talk of this Matter, are wont to bring this for an Argument that the *Canons* belong to the *Treatise*, That there are added some Words at the end of the *Canons*, which plainly refer to the *Treatise*. And for this,

as

as you say, the Authority of a very great Man is
 wont to be quoted. Let me tell you, *Sir*, I can now
~~keep about~~ with a *synode*. It is true, The thing has
 been well along confidently affirm'd by a very great
 Man, as you very deservedly call him: But take my
 Word for't, You will hear no more of that Matter.
 I enquir'd, *Sir*, lately of that Learned and otherwise
 very Accurate Person, What Words those were which
 he meant; and I found he had mistaken a Part of the
 last of the *Canons* for the Words of the Transcriber.
 This is strange, you will say: I, for my part, shall say
 nothing of it; but leave it for others to judge. But
 this I must add, that the Words which were alleg'd
 by that Gentleman to be the Transcriber's own,
 supposing they were the *Transcriber's*, (as we know
 very well they are not) do contain nothing in 'em,
 that could prove the Transcriber to have been the
 same Man with our Author. There is nothing from
 whence it might be gather'd that the *Canons* did be-
 long to our *Treatise*; not a *Tittle* from whence it
 might be prov'd that our Author therefore transcrib'd
 'em, to shew that he meant a *Synodical Deprivation*.
 You will judge of this by and by, by reading the
 Words your self. You will easily see, that Men,
 whose *Eyes* have contracted a *Yellowness* (whatsoever
 otherwise their *Temper* or *Constitution* may be,) read
 every thing agreeably to the *Colour* in their *Heads*.

I come now lastly to the *Canons* themselves; Let
 them speak for themselves: We need nothing else to
 refute the strange *Fancy* and *Dream* of our Adver-
 saries. The Argument, you know, of the *Treatise*,
 is to shew by many Examples, That it's *contrary* to the
Practice of the *Antients*, for a Bishop unjustly de-
 pos'd to recede from the Communion of an *Ortho-*

dox

~~dox~~ Successor. Pray look with both Eyes, and see if you can possibly find in the *Canons* any thing truly pertinent to that particular Subject. The Argument and Design of them, is against private Conventicles without a lawful Presbyter: against a Presbyter or a Deacon's withdrawing from the Communion of his Bishop without a just Cause: that a Bishop being condemn'd by the Bishops of the same Province, it shall not be in the power of the Bishops of another Province to take the matter into their Cognisance: against such Presbyters as shall separate from their Bishops on pretence of some Crimes they can charge 'em with, before they be legally convicted: against such Bishops as shall pretend to condemn their *Metropolitan*, and to leave his Communion on pretence of his Vices, before he is legally condemn'd: and lastly, against such *Metropolitans* as shall act in like manner with relation to their *Patriarch*. I shall here translate you these *Canons* in the same order as they ly in the MS. In Doctor *Beveridge's Synodicon* you may read 'em all in the Original.

*Can. Apost. XXXI. If a Presbyter shall in contempt of his Bishop, gather a separate Congregation, and erect another Altar, his Bishop being not condemn'd * by him for any Impiety or Injustice, let him be depriv'd as Ambitious. For he is a Tyrant. In like manner others of the Clergy that shall adhere to him. But let the*

* *Not.* That the seeming supposition of this Canon, that its lawful for a Presbyter to recede from the Communion of his Bishop, and to set up an Altar against him, if he be a Vicious Person, is unjust, as *Balsamon* affirms, and contrary to the express declaration of other *Canons* of the Greek Church, and particularly one of those that follow. But I scarce doubt, but that they that compos'd the Canon, intended, that the Bishop should be judicially and Canonically condemn'd for the Crime alleg'd against him by the Presbyter, tho' the words, *ὑπὸ τῶν κατὰ τὴν πόλιν ἐκκλησιῶν καὶ συναγωγῶν*, do not plainly express it.

B. *Laity*

Laity (that shall make themselves of his Party) be excommunicated. And let these things be done after three Admonitions given by the Bishop. What is this (in God's Name!) to our Treatise? How does this prove our Author's Meaning to be of a Synodical Deprivation? What is this to the adhering to a Bishop not Synodically Depriv'd, in opposition to another put into his Place?

Can. Concil. Gang. VI. If any one in contempt of the Church shall gather a private Congregation, and do those things which belong to the Church, without a Presbyter appointed by the Bishop, let him be Anathema. What relation could this Canon have to the design of our Author? It was made, as Zonaras tells us, against the Eustathians, who despis'd the Congregations of the Church, and set up Conventicles in their private Oratories; and here they are forbid to celebrate the Service of the Church, even in the private Chappels of their Houses, without a Presbyter appointed 'em by the Bishop. This our new Recusants would do well to observe.

Can. Concil. Antioch. V. If a Presbyter, or Deacon, shall in contempt of his Bishop separate himself from the Church, and set up a Conventicle, and erect an Altar, and not submit to his Bishop after a second Admonition, let him be depos'd, and let him be incapable for ever of being restor'd to his Honour, and the Cure of Souls. And if he goes on to raise Troubles and Seditions in the Church, let him be punish'd by the Civil Power as a Rioter. How could this Canon be produc'd by the Author of our Treatise as pertinent to the Subject of it? What's this to a Bishop depriv'd by a Lay Power, and the leaving his Communion who is put in his place, which our Adversaries tell us is warranted by the Author of our Treatise?

The XVth Canon of the same Council. If a Bishop being accus'd of any Crimes, shall be condemn'd by all the Bishops of the Province, and all shall unanimously agree in the Sentence against him, he may not be judg'd again by others, but the Sentence pass unanimously by the Bishops of the Province, shall be valid. This Canon was made to prevent Appeals, which a Bishop depriv'd by the Bishops of the same Province of which he was, might make to some other Bishop, or Bishops, of another Province. Pray, tell me, how it makes to the Business and Subject of our Treatise. What *Lynceus* so very strong sighted as to see a Thing at that Distance?

Can. Concil. Carthag. XI. If a Presbyter through Pride shall make a Schism against his Bishop, let him be Anathema. This is onely an Epitome of the XI. Canon of the Council of Carthage. What a rare relation it has to the particular Subject of our Treatise! What a plain Demonstration it affords, that the Author understands a Synodical Deprivation!

The XIII. Canon of the Council call'd the First and Second. The Devil scattering Heretical Seeds in the Church of Christ, and seeing them cut off at the Root by the Sword of the Spirit, has pitch'd on another Method, and endeavours to divide the Body of Christ, by the Madness of Schismatics. The holy Council, in order to prevent this Snare as well as the other, has decreed; That if any Presbyter or Deacon having condemn'd his Bishop for any Crimes, shall dare depart from his Communion, and refuse to recite his Name in the Publick Prayers of the Church, according to the usual Custom, before he be Synodically tryed and perfectly condemn'd, that Person shall be depos'd and depriv'd of all his Honour in the Priesthood. For any one plac'd in the order of a Presbyter, if he takes upon him to prevent the Judg-

ment of the Metropolitan, and to condemn and pass Sentence on his Father and Bishop, he is not worthy of the Honour or Name of a Presbyter. And they that adhere to such as have done so, if they are of the Priesthood, let them likewise be depriv'd of their Honour; if Monks, or of the Laity, let them be Excommunicated, till they leave the Schismatical Party, and return to their respective Bishop. I shall pass a Remark on this, and the other two which follow, together.

The XIV. Canon of the same Council: If a Bishop upon charging his Metropolitan with a Crime, shall withdraw from his Communion, and refuse to recite his Name in the publick Service of the Church according to Custom, before he is Synodically tryed; the holy Council decrees he be depos'd, upon Proof that he made such a Schism. For all Men ought to observe their proper Duties; and the Presbyter must not despise his Bishop, nor the Bishop his Metropolitan.

The XV. Canon of the same. What has been decreed concerning Presbyters, Bishops, and Metropolitans, the same is yet more reasonable with relation to Patriarchs. If therefore any Presbyter, or Bishop, or Metropolitan, shall dare to recede from the Communion of his Patriarch, and does not, according to Custom, recite his Name in the Publick Service of the Church, but makes a Schism before his Patriarch has been Synodically try'd, and perfectly condemn'd; the holy Synod ordains, That,

upon Proof made of such a Schism, he be depos'd. * And these things are ordained, and ratified concerning those who upon pretence of certain Crimes shall separate from their respective Bishops, and make a Schism, and break the Communion of the Church. For they that separate them-

* Here begin the Words
which the Learned Mr.
D. — to know the Words
not of the Canon, but the
Reformer.

themselves from the Communion of their Bishop, for a Heresy condemn'd by the holy Fathers and Councils, he publicly professing and preaching the Heresy, shall be so far from being obnoxious to any Canonical Punishment, on the account of such a Separation, that they shall be honour'd as becomes true Believers. For in such a case they do not condemn true Bishops, but false Ones and they do not break the Unity of the Church by a Schism, but endeavour to deliver the Church from Schisms and Divisions. Here ends the Collection of Canons. That which follows immediatly in the MS. is altogether forreign both to them and the Treatise, a Fragment of a Story concerning *Artaxares* and *Chosroes* of Persia.

And now, Sir, you have read all the so much celebrated Canons, which have rais'd so great Expectation, and been made the common Defence of those that have been prest with the Authority of the *Oxford Antiquity*. When you light on any of the Adversaries of the *Oxford Antiquity*, pray shew 'em freely to them, and desire them to make their best of 'em: Much good may they do 'em. If you meet with any of 'em so very Judicious, as to lay any Stress on the Mention that is made, in these Three last Canons, of a *Synodical Deprivation*; pray desire them to be so just to you, as to give you a Reason. Let 'em give you a Proof that those Canons are a Part of the *Treatise*. Let 'em shew how it makes for their Cause, that in them there is mention made of a *Synodical Deprivation*; how it proves that the Author of our Treatise is onely to be understood of a *Synodical Deprivation*. Desire 'em but to open their Eyes, and then they will plainly see, that the whole Design of those Canons, is onely against a Separation from our Bishops, and the throwing off
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Canonical Obedience upon our own private Judgments and Pretences; that the Vices or Crimes of a Bishop ought not to be made an Occasion of a *Separation*, unless he be *legally* and fully condemn'd and depriv'd. This is still the Doctrine of our Church; and what we in *England* call *Legal*, the *Greeks*, when they spoke with relation to Bishops, call'd a *Synodical* Deprivation, 'cause the ordinary way of Depriving Bishops amongst them, was by the *Metropolitan*, and the rest of the Bishops of the Province; who, by the *Consent of the Emperour*, were constituted the *ordinary* Judges of the Causes of Bishops.

I shall here add, that it is easy for any Man of Judgment to observe, That therefore the *Canons*, which we have above produc'd, were by some Body tackt to our *Treatise* in the MS. because of some kind of Relation which they seem to have to the *General* or *Material* Subject of the *Treatise*, *viz.* *Schism* and *Bishops*, tho they have not any Pertinency or Relation to the *Formal* or *Particular* Subject of it, *The adhering to an Orthodox Bishop in possession, tho the former Bishop was unjustly turn'd out.* We know, that most of those MS. Volumes, which now our Libraries afford us, were nothing else but so many Volumes as it were of *Common Places*, in which Men of Learning and Study heapt together such Things as seem'd to them something akin. And hence it is, that in most Theological MSS. or at least in very many, you meet with *Canons* of Councils dispers'd up and down according to the Subject of the *Treatise* foregoing. Hence likewise many Fragments of the Fathers subjoin'd to Discourses of Divinity, and others out of the Historians subjoin'd to Historical *Treatises*, and the like. A Thousand Instances of
this

this may be easily produc'd, if need were; but I shall not spend Pains and Paper in what will easily be granted by all that are acquainted with MSS.

I must not here omit, that besides the Copy of our Treatise which we ow to the *Baroccian* Volume, there is at this time extant another in *France*. It is mention'd by the famous *Cotelerius* in his Notes upon the Third Volume of his *Monumenta Ecclesie Græcæ*. He quotes it under the Title of

a Treatise * *Concerning the famous Schism which was rais'd upon the account of Josephus the Presbyter*, and he says he intended to publish it. That that which he mentions is the same with

* Offendi pariter in opusculo nunc inedito, olim si Deus dederit edendo, De celebri Schismate ob Josephum Presbyterum, hæc verba. Ταῦτα ὑποφαι ἐν τοῖς τοῦ ἀγίου Νικητοῦ συντάξει Βιβλίου, ἐν μὲν τῇ Methodii ἀποστολῇ, p. 645.

our Treatise, appears by a certain Quotation of *one of the Epistles of Methodius out of the Second Book of Nico*, which is produc'd by *Cotelerius* out of it, and is in the very same words in our Treatise. Since I publisht the Treatise, I receiv'd this Observation from the Famous and Learned Mr. *Dodwel*. Now if any one is so very unwilling to be convinc'd, as not to be satisfied with what we have hitherto said, and he thinks it worth his Curiosity, he would do very well to desire an account of this Copy from some Body at *Paris*. It is, I suppose, to be found in the King's Library there, tho *Cotelerius* makes no mention where he had it. Five Hundred to One, but a Month or Six Weeks hence we may have a Report spread abroad, that Advice has been sent from *Paris*, that the afore said *Canons* are found in the MS. there in the self same manner as at *Oxford*. A spurious Letter, as from some considerable Man, the *Libra-*

rian himself, or some other, will do very well for that purpose. This would be but a very dull *Imposture*, since the Canons make nothing to the Purpose of the *Treatise*: However I shall here let you know, that it often happens, that Two distinct MS. Copies of a *Treatise* have the same things subjoin'd at the end of the *Treatise*. And the Reason is plain, *viz.* Because they were either transcrib'd from one another, or are both *descended* from the same. I know, This is very Dry Food for a Person of so delicate and nice a *Digestion* as you are; But however I shall give you one Instance. We have here in *Oxford* amongst the *Baroccian MSS.* a Copy of *Anastasius Sinaita* (*Nicanus* some men miscall him) his *Quaestiones Theologicae*; at the End of which there are added many Fragments of several Authors, which by the manner of Writing you would take to be part of the *Work*: Another ancient Copy of the same *Work* is extant in the aforesaid Library at *Paris*, in which the same Fragments are exactly found, as I know by a particular account of that Volume which I have met with; And yet it is certain that the Fragments, we speak of, are not part of the Work of *Anastasius*, but annex'd to it by some ancient Librarian. Concerning the Schism which was rais'd upon the account of *Josephus the Presbyter*, of which there is mention in the *Paris* Copy, as the occasion of our *Treatises* being written, I shall tell you something by and by.

Before I utterly dismiss this Cause, I shall begg your leave to observe, that the *Council* call'd *First and Second*, to which the Three last of the Canons above translated, do belong, was a Council call'd under *Photius* the Patriarch of *Constantinople*; in which

which the said *Photius*, tho made a Patriarch by the Emperour when *Ignatius* the Patriarch was unjustly depos'd by the Emperour's bare Authority, was receiv'd and own'd as rightful Patriarch, and that whilst *Ignatius* was living. And 'tis further observable, That that same Council consisted of so many Bishops as to be call'd by *Balsamon*, the learned Patriarch of *Antioch*, *ὡς πανικὸν συνέδριον* a General Council.

And thus much, Sir, for our *Canons*. The next thing I observe in your Letter, is what you tell me concerning a very learned and elaborate *Answer*, which you say is ready to be publisht, and very much talkt on, against the *Oxford Antiquity*. As for that, Sir, It is no News to Me, and no more than I ever expected. You know, there must somewhat be said. That's a Business of course. And *Schism* is a Thing of so ugly and horrid an *Aspect*, that it is not a Wonder, if They that have rashly espous'd it, think fit to give it a *Paint*; tho all the World knows, It is not its Natural Colour, and it plainly appears to be *Dawbing*. We have been now so *Civil* and *Gentle* to our Adversaries, as to *clean* our selves of that *Dirt*, which they themselves cast upon us, before We are to enter upon the *Struggle*: You may tell 'em, Sir, We are ready and prepar'd to *close-in*, whensoever they please to come on. We are not Concern'd at what you say, That They are Great Men, *Men of War from their Youth*. For what avail the greatest Abilities, what avails the strongest *Confederacy*, when a Cause is not capable of Defence? What avails a great deal of Strength, when, like *Milo*, they are caught in an *Oak*? It is not, Sir, to be admir'd, that they that are engag'd in this *Schism* are so little mov'd and perswaded by the many Examples of
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those Great and Excellent Bishops, which the *Oxford Antiquity* presents 'em. You cannot but know, of whom it was that St. *Jerom* uses those Words : * *I know very well their Temper, that 'tis easier to conquer 'em, than to persuade 'em.*

'Twas, you know, the *Luciferian* Schismatics, of whom he speaks so. And St. *Augustine*, I remember, makes * *Complaint of Emeritus*, the Champion of the Schismatical *Donatists*, that, tho' in the Conference between 'em, he was so far Confounded, as not to have a Word to say, yet he still continu'd in his Schism, as if He himself had been Conquerour.

As it is a particular *Complexion*, and a great and strong *Temptation* of either *Resentment* or *Ambition*, or the tickling Satisfaction of being at the Head of a Party, that must hurry a Man on to so great a Sin as a *Schism*, so it must be a peculiar *Grace* that reduces one. It is not your carrying a *Light*, that will make a Man follow you ; not the shewing him the *Road*, that will make him go right, unless he has a *Will* to be directed. It is therefore, I say, no matter at all of Wonder, if those many Examples and Authorities of the *Oxford Antiquity* have not met with that agreeable success which a Man unconcern'd might very well have expected : And, when I tell ye, We are ready to assert and defend that *Doctrine*, which our *Treatise* advances against all the Opposition which our Adversaries threaten, We are far from engaging to open a way for it to our Adversaries *Hearts*. That, I fear,

is scarce to be expected; more especially of those whose Pens are now engag'd in the Defence of their Schism: For they be *Writing*, still make it more hard to be convinc'd, and *suck*, like the *Orator* of old, a fatal *Poison* out of their *own* Pens. In short, *Sir*, I must tell ye; The *Place*, before which we ly, has, to Me, no other Appearance (you will pardon, *Sir*, the *youthful* Comparison) but that of a *Castle Enchanted*, and I shall not pretend to be so *Romantick* a *Champion* as to force it to a *Surrender*. Tho we know all the *Arms* it can possibly make use off, are very *Weak* and *Insignificant*; tho the *Walls*, that look towards us, are extremely *thin*, and without any manner of *Foundation*; Whatsoever our *Weapons* may be, or our *strength* and *dexterity* in using 'em; There is still a *SPIRIT* within; that will keep it from being *taken*. Yet this I shall dare to pretend to; I shall dare engage to discover the *Weakness* of the *Place*, and to Throw up such *Works* round about it, as may hinder, like a *Circle*, the *Sallies* of the *Obstinate Spirit*, and secure all those, that are yet *without*, from the *Charms* it may lay upon 'em.

That We may not run on and mispend our Time, and Abuse the Patience of our Readers by Discourses not properly pertinent and close to the Matter depending; When you meet with any of our *Learned* Adversaries, the *Emeriti* of this Schism, who, you say, are publishing an *Answer* to our Treatise, and writing a Defence of their Revolt, Be pleas'd, *Sir*, to ~~send~~ ~~write~~ desire 'em to demonstrate, if they can, the Two general *Propositions* which follow.

1. That the *Civil Government* has not any Authority in it self to deprive a *Bishop* of his *Bishoprick*, who refuses to own it, and to submit to it. And here they

are desired to consider, that the *Civil Power* or the *Temporal Governors* are no less of God's own Institution than *Bishops* or the *Governors of the Church*, that both are equally *Jure Divino* with this onely difference, that the former are instituted by God for our Peace and Happiness here in this World, the latter to conduct us to Happiness in that which is to come ; That the *Secular Government* is antecedent to the *Spiritual* ; That when Christ came into the world to establish a Church, he came not to abolish any Law that was necessary for the support of the *Secular Government*, not to set up a Church that was any ways opposite to it ; But that he himself submitted to the *Secular Government* which he found established, and commanded his Followers to do so ; That after his Death the Apostles likewise did so, and commanded likewise all their Followers and Successors to do the same, to submit to the *Temporal Power as the Ordinance of God*. It is plain that our Saviour by establishing a Church, intended the establishment of such things onely as might well consist with the Safety and the *Essentials* of Government. From hence it follows, that none has receiv'd any Power or Commission from Christ to preach the Gospel, or to preside over the Church in any Country, but with this *Supposition*, and on this *Condition*, that he own and submit to the *Temporal Government* which God has ordained in that Country. It is, I say, with this *Supposition*, That he gives his Bishops, and his Ministers, a Commission to preside over the Church, and to preach his Gospel in such or such a Country ; It is upon the same Condition that the Church appoints em to preside or preach in that Place ; and it is upon the same Condition that they are receiv'd,

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allow'd off, and protected by the State. If therefore they fail of the Performance of that necessary Condition, their *Commission* then ceases as to that particular Government, which they cannot, or will not submit to. They become Deprivable by the State, and the Church is to constitute others who are willing to submit to the State, and whom the State shall approve of as fit to be trusted by it in that Post. Thus for Matters of Heresy; Christ has given no Authority to any to preach in his Name, or to govern in his Church, but on this Condition, that they preach and maintain the true Faith. If that Condition be not observ'd, the Church is then to deprive 'em. In the Case of Heresy it belongs to the Church to Deprive, that being the proper Judge of that Question, What is the true Faith? In the Case of Rebellion, or of Non-submission to the Government, it belongs to the Government, as being the proper Judge of what is necessary for its own Support.

I lay down this as a *Principle*, on which both the Power of the Church, of Depriving for *Spiritual*, and likewise the Power of the State, of Depriving for *Political Crimes*, does depend.

Query, What Security the *Civil Government*, which is God's own Institution, and antecedent to the *Eccllesiastical*, can have, if a Bishop, that refuses to own it, and to submit to its Authority, may not be Depriv'd by it? What Security can it have, Especially considering, that Men of that Character are generally Persons of very great Power and Authority, and may easily go a great way in the Subversion of a Government, by the Influence of their Eloquence, and their great Reputation for Learning and Piety? In such a Case is the Bishop to be Depriv'd by a Synod
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of Bishops? Here a Second *Query* will follow. What if *all* the Bishops, that are under a Government should conspire against it? And what if we suppose, that there's onely one Bishop within the Bounds of that Government, a thing that has often happen'd; What must be done in that Case? Will our Adversaries grant, that, supposing a Bishop should conspire against the Government or Rebel, the Government has Authority to imprison him, or to banish him; but not to *Deprive* him of his Bishoprick, so as that another may be plac'd in his See? If this be the Plea of our Adversaries, I shall then desire to be satisfied in one *Query* more. How does this consist with the Nature and End of Church Government? How can He continue a Pastor that is *utterly* banish'd from his Flock, and render'd *utterly* incapable of doing the Duty of his Charge? Shall the Neighbour Bishops be his Delegates, and act by his Power and Authority? But what if we recur to our former Supposition, that all the Bishops of a Kingdom are Rebels? When they are all banish'd by the State, who then must govern the Church? Who *ordain*, and do other Duties that are proper to a Bishop? Or supposing that there is but one Bishop; when he is sent into perpetual Banishment, how must his Office be supply'd? When in the first Planting of the Christian Religion in the several Parts of the World there was onely one Bishop in a Country, as at first in many Countries there was onely one, if that one had been banish'd for Rebellion, pray, what should the Christians there planted have done? Should they have liv'd without any Bishop during all his Life that was banish'd, or ought they not rather to have got a new one to govern 'em, to supply the Church with inferi-
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our Clergy, and the like? Here, *Sir*, I shall put you in mind of those words of the great St. *Chrysostom*, which are urg'd in the Preface to the *Oxford Anabaptist*; when he was unjustly banish'd he charg'd his People, That as they hop'd for Salvation, they should be obedient to that Bishop who should succeed him as to himself, For the Church, says he, cannot be without a Bishop. And yet it is certain, that that great Man did never resign his Bishoprick, but continued to act as a Bishop of the Catholick Church during all the time of his Banishment, that is, as long as he liv'd. I shall onely add, that if the Banishment of a Bishop be not design'd to be perpetual, as that of St. *Chrysostom* was, but onely for a Time, then there may not be any Necessity that another should be plac'd in his See. And this was the Reason, why, when St. *Athanasius*, the Patriarch of *Alexandria*, was banish'd by the Emperour *Constantine*, there was no new Patriarch created. That He was banish'd onely for a Time, and that the Emperour *Constantine* intended to recall him, and to restore him to his Bishoprick, is expressly attested by the Younger Emperour *Constantine* in his Letter to the Church of *Alexandria*, by which he restores him to his See. Who adds, that he himself by restoring him, did onely fulfil his Father's Will: who, he says, would have done it himself if he had not been prevented by Death. And Pope *Julius*

Tonapora & Tuzaliga &c.
Iam cum inprimis vestra in
Deum pietatis sueque Sedi
hunc Episcopum Damianum De-
us noster & Pater Constanti-
nus restituere vellet, & hu-
mana forte providentia ante-
quam hoc votum impleret, re-
quieverit, ego mihi convenire
puto, ut suscepta voluntate sa-
cratorum Imperatoris, id
ipsum adimpleam, quod ille non
potuit. Apud Athanasium ad
Imp. Const. Apolog. p. 806.

in his *Synodical & Epistle* to the *Synod of Antioch*, concludes, That the Emperour *Constantine* did not fully and perfectly condemn *Athanasius*, because there was no one put into his Place, during the time of his Banishment. If, says he, He had fully condemn'd him, his See would have been dispos'd of to another.

The Solution, Sir, of these *Queries*, which I have propos'd, will prove, if I am not mistaken, a Work of no great Ease. I should gladly see the *Knot* fairly untied, without any *Cutting* and Violence. We will see on the contrary, if you please, how easily those *Knots* may be loos'd, which our Adversaries are wont to present us, as the greatest effects of their *Skill*.

Ob. 1. How does it consist with the Safety of the Church and of Religion, if the Secular Governour has Authority to turn out a Bishop? Then all Bishops may depend on his Sentence, and the Church and Religion be *precarious*. An *Orthodox* Bishop may be depos'd, and a *Heretick* placed in his See.

Ans. It cannot be avoided but that the Church and Religion must be always, in some measure, *Precarious*, and depend upon the Civil Magistrat. If the Governour be an Enemy to Religion, there is no avoiding Oppression, wheresoever we lodge the true Power of Depriving a Bishop. Now to answer directly the Objection: If the Civil Governour should turn out our *Orthodox* Bishops, and put in *Hereticks* in their Places, or put in none at all in their places, then the Church is obliged to adhere to the old Ones turn'd out, or, if there be a necessity, to procure new Ones that

that are *Orthodox*. Thus if the Civil Magistrate should forbid the Christian Religion to be preach'd in his Country; he is not to be obey'd, because it is the Will of our Saviour that his Gospel should be preach'd to all Nations, as far as the Preaching of it does consist with those Rules that are truly essential to Government. And when *Desius* the Emperour aim'd to root out the Christian Religion in the City of *Rome* by destroying the Bishop *Fabianns*, and forbidding that any new Bishop should be Created in his Place; there was no Obligation on the Christians of that Church to obey his Will or Decree, since they did not pretend to choose such a Person as refus'd to submit to his Government. And therefore, tho they defer'd the Election of a new Bishop for above Sixteen Months, for fear of the Emperour, who then resided at *Rome*, *Propter aerum & temporum difficultates*, as the Clergy tell *St. Cyprian* in a Letter, yet as soon as the Emperour was engag'd in a Civil War, and had therefore remov'd from that City, they set about an Election, and plac'd *Cornelius* in the Chair. This Principle will secure Religion from depending on the Will of a Governour no less than that of our Adversaries, who would have Bishops to be Deprivable onely by Bishops. That likewise may have its ill Consequences, for what if those Bishops, who are suppos'd to Deprive another, should themselves be Heretical, or no true Friends to the Church? This Rule is still to be observ'd, that neither the Civil nor the Ecclesiastical Power may so far usurp upon one another as to lessen that Authority which is necessary for the Subsistence of Each. Where on either side their Pretensions exceed their due Bounds, there all there Authority ceases. We must neither erect a

Protestant Popedom, nor yet an *Erastian* Kingdom: Not to interpret one Text as make it fall out with another. There is, as in other Things, so likewise in this, a sort of an *Analogy of Faith*. As they both proceed from God, so they cannot in their own Natures disagree in the least. Neither must there such *Maxims* be advanc'd as may make 'em wage War with one another. So to order the *Temporal* Government as not to have Regard to the *Spiritual*, is *Prophaness*, *Irreligion* and *Atheism*; and to lay down such Rules in Favour of the *Spiritual* as that it may Top upon the *Temporal* is no less a *Crime* than it is a *Vanity*. In a Word: He cannot give to God all the Things that are Gods, that does not give to Cesar the Things that are Cessars.

Ob. 2. But it is not in the power of the Civil Government to take away that which it could not give, the Orders and Character of a Bishop.

Ans. This Objection supposes that when a Bishop is depriv'd of his particular Bishoprick, his Orders are taken away, and he is not any longer a Bishop. If the thing be so, look they to it, who refuse to submit to the Civil Government which God has set over 'em. It appears from what has been said, that our Saviour has given no Commission to exercise the Office of a Bishop in such a particular Place, but to such as submit to the Government of that Country in which they reside: and if they are not Bishops but in that one Place where first they were design'd to preside, if they have not (I say) any larger Commission, then whenever they refuse to acknowledge the Civil Government, their whole Commission is void, and they are not any longer Bishops. They are not depriv'd of their Orders by the Civil Power, but their Commission which they receiv'd from Christ to exercise the

the Office of a Bishop in that particular Place, is of it self void, as being given only on *Condition*, as soon as they appear to be Enemies to the Government, and are so declar'd. Look they, I say, to that. But it is not our opinion, that a Bishop is utterly *Degraded* whensoever he is justly *Depriv'd*. Neither is it agreeable to the Notions and Practice of our Church. For if the Character of a Bishop does depend upon the having a Bishoprick, how can a Bishop remain a Bishop after Resignation? How can he be restor'd after (lawful) Deprivation without a new Ordination? How can he be translated without a new Ordination from one Bishoprick to another, if, when he was Ordain'd, he was only Ordain'd to this or that particular Bishoprick? How can he *Ordain*, or do the Offices of a Bishop, out of his own Diocess? If the People of his City or Diocess should be all destroy'd by Wars, or be utterly dispers'd and lost, how can he remain invest'd with the Character of a Bishop? And as it is not agreeable to the Doctrine and Practice of our Church, so neither to the general Notions and Practice of the Ancients, as shall easily and plainly be made out, as soon as Occasion is given. At present it will be enough, to remind you of what is above observ'd concerning *St. Chrysostom*.

Tho' it be not my Design at present to enter upon the Authority of the Antients, yet I cannot forbear to take notice of a very strange Weakness of Judgment (for so I must call it) which *Lucifer Cazaritanus* has discover'd in his Books to the Emp. *Constantius* in behalf of *St. Athanasius*. He affirms, amongst other things, that another Bishop ought not to be put into *St. Athanasius's* Place, as was done at that time, because *Athanasius* was living. By which he seems to

intimate that a Bishop could not be at all Depriv'd; but his meaning is, that he could not be Depriv'd by the Emperor. So he says: But how does he prove it?

Persequeris eum per quem te audire preceperis Dominus, agente eo in rebus humanis, cohereticum tuum Georgium mitti Successorem, cum tamen si fuisset liberatus jam Athanasius & corpore (i.e. Corp.) tibi non liceret mittere, sed fuerit ac sit in Dei manu, quem fuisset dignatus populo suo antistitem instituire, per servos viz. suos, hoc est Catholicos Episcopos. Neque enim possit impleri virtus Spiritus Sancti ad Dei gubernandum populum, nisi is quem Deus allegisset, cuiq. manus per Catholicos Episcopos fuisset imposita, (hic deest aliquid, e corpore liberetur, aut quid simile) sicut defuncto Moyse, impletum Spiritu Sancto invenimus Successorem ejus Jesum Nave. Loquitur Scriptura Sancta, dicens, & Jesus filius Nave impletus est Spiritu intelligentie. Imposuerat enim Moyses manum super eum & audierunt eum Filii Israel, & fecerunt secundum quod mandavit Dominus Moyse. Conspicis ordinationi Dei te obviam esse, contra Dei faciendo voluntatem, temet mucrone gladii tui jugulatum, siquidem non liceret ordinari nisi fuisset defunctus Athanasius & defuncto Athanasio, Catholicus debuerit per Catholicos ordinari Episcopos. lib. 1.

Bishops, and likewise against a Deprivation by the People of the Diocess, which Lucifer himself in another place owns to be lawful, as against a Deprivation by the Prince: and so bad as it is, it is full as good, as a great many other Arguments, which are urg'd from the Scripture by that over Passionate, tho' Orthodox, Bishop. It is true, that the Emperor did very ill in turning out St. Athanasius unjustly, and in

He does not pretend to Tradition, or to lay it down as the Doctrine of the Ancients; but so he thinks fit to say, as being too angry to allow the Prince any Prerogative, and he proves it from hence, that Joshua did not succeed Moses till Moses was dead. What a strange Demonstration that is! Yet so bad as it is, it holds as well against a Deprivation by

putting a Heretick into his Place. This we know. It is likewise true, that our Author deserv'd very well for his Zeal against the *Arian* Hereticks : But this however I must say, that he manages the Cause with much more Heat and Irreverence than Judgment. We may dare to affirm he had no great stock of the latter: And it is not at all to be wonder'd at, that He afterwards prov'd a *Schismatick*. 'Tis further alleg'd by the same Author against the said Persecuting Emperor, that instead of being a Judge in the Cause of a Bishop, he ought by the Law of God to be *Condemn'd to Death* for not submitting to the Doctrine of the Catholick Bishops. And this he proves from that place in *Deuteronomy* where God commands, that they that did not obey the *Priests* should be put to death; tho the Text be no other than this: (*Deut. 17. 12.*) *And the Man that will do presumptuously, and will not hearken unto the Priest (that standeth to minister there before the Lord thy God) nor unto the Judge, even that man shalt dy, and thou shalt put away the evil from Israel.* After all I must add, That the Cruelty of that Emperor *Constantius* to the Catholick Bishops, may be pleaded to excuse both *Lucifer*, who himself suffer'd Banishment, and also some other Bishops of that Age, who were so far provok'd as to deny that the Emperor had any Authority at all over Bishops; For, as *Solomon* says, *Oppression maketh a Wise man mad.*

Here, Sir, it comes into my mind, what you mention in your Letter concerning *St. Cyprian*, That there's nothing more usual with the Advocates for the New Separation, than to plead upon all Occasions the Authority of that excellent Father. 'Tis, Sir, a merry Question, that which you are pleas'd to ask me, Whether ever He wrote a Treatise by way
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of *Prophecy* for the Cause of our Adversaries? One would think so, you say, by the Confidence and Triumph of those that are wont to quote him. I shall answer you, Sir, in short, but with a great deal of *Seriousness*, that there is not a Word in *St. Cyprian* that makes a *Whit* for their Cause. I will give you, according to your Desire, a particular account of the meaning of all those Passages, which you say are usually alleg'd, and of the Occasion why they were written. You will then see, that even the greatest and learnedest men (for such, you tell me, some of the Quoters of *St. Cyprian* are), are in some respects no better than the *Many*; that when they are *drowning* and *sinking*, they will catch at *Straws* no less than other People.

The Words which you say are commonly quoted by our Adversaries out of *St. Cyprian* are

1. That a *Bishop* cannot be judg'd by another, but, that Christ alone, who set him over the Church, has power to judge of his Actions.

Superest ut hac ipsa re singuli quid sentiamus, proferamus; neminem judicantes, aut à jure Communionis aliquem, sed diversa senserit, amoveamus. Neque enim quisquam nostrum Episcopum se Episcopum constituit, aut tyrannico terrore ad obsequiū revellitur. Collegas suos adigit, quando habeat omnis Episcopus pro licentia libertatis & potestatis sue, arbitrium proprium; tamq. judicari ab aliis non possit, quam nec ipse potest judicare. Sed expectemus universi judicium Domini nostri Jesu Christi, qui unus & solus habet potestatem & preponendi nos in Ecclesie sue gubernatione, & de actu nostro judicandi.

These Words are in *St. Cyprian's* Preface to the Synod of Carthage. The Occasion of them was this: There was a Controversy between *St. Cyprian* and *Pope Stephanus* of *Rome*, concerning the *Baptizing* of such

as had been Baptiz'd by Hereticks or Schismaticks. St. Cyprian and the Synod were for it. But they would not, they say, take upon 'em to Anathematize those Bishops that did not agree with 'em in that Matter; but would leave it to them to act according to their Judgments, and would let the Matter alone to be fully determin'd by Christ at the Day of Judgment, he being the proper Judge of the Actions of Bishops in a Thing of that Nature.

2. That a Bishop ought not to be prescrib'd to in the ordering of the Affairs of his Church, but that he is to govern according to his own Judgment, and to give an account of his Actions to God.

These Words are spoken on the same occasion, and in the same sense, in a Letter to Pope Stephanus, wherein he gives him an account of what had been Decreed by the Synod of Carthage.

Hac ad conscientiam tuam, Frater carissime, & pro honore communi, & pro simplici dilectione pettalimus, credemus etiam tibi pro Religione tua & fidei veritate placere, quae & religiosa pariter & vera sunt. Ceterum scimus quosdam quosdam semel imbibetis nolle deponere, nec propositum suum facile mutare, sed saluo inter Collegas pacis & concordia vinculo, quadam propria, quae apud se semel sint usurpata, retinere: Quam in re nec nos vim cuiquam facimus aut legem damus, cum habeat in Ecclesia administratione voluntatis suae arbitrium liberum, unusquisque Propositum rationem actus sui Domino redditurum. Epistola.

They are spoken likewise upon another, but a like, Occasion, in his Epistle to Magnus, who had sent to know his Judgment concerning such Persons, as, being converted to the Faith in the time of Sickness, were Baptiz'd by Sprinkling onely. Where

Quam in parte nemini verecundia & modestia nostra praedicat, quo minus ther

unusquisque quod putat, sentiat, & quod senserit, faciat. Nos quantum concepit meditatiſſimus nostra, aſſumimus &c. Reſcripſi, Fili cariſſime, ad literas tuas, quantum parva noſtra mediocritas valuit, & offendi quid nos, quantum in nobis eſt, ſentiamus, nemini præſcribentes, quo minus ſtatuat, quod putat unusquiſque Præpoſitus; alius ſui rationem Domino redditurus, ſecundum quod B. Apoſtolus in Epistoſa ſua ad Rom. ſcribit, ac dicit: Unusquiſque noſtrum pro ſe rationem dabit; non erga nos invicem iudicemus. Epist. 69.

And likewise in his Epistle to Antonianus, where he ſays, That ſome of the Biſhops of Africa before his Time, thought it unlawful to re-admit into the Church a Perſon excommunicated for Adultery; but they did not however pretend, to condemn other Biſhops that were of a different Opinion, and who practis'd accordingly. Et quidem apud Antecceſſores noſtros quidam de Episcopis iſtic in Provincia noſtra dandam pacem mœchis non putaverunt, & in totum penitentialocum contra adulteria clauſerunt; non tamen à Co-episcoporum ſuorum Collegio reſceſſerunt, ſicut Catholica Eccleſia uniſonum vel diſcreta vel cenſura ſua obſtinatiſſime ruperunt; ut quia apud alios adulteris pax dabatur, qui non dabatur, de Eccleſia ſepararetur. Manente Concordiæ vinculo, & perſeſtante Catholica Eccleſia individuo ſacramento, actum ſuum diſponit & dirigit unusquiſque Episcopus, rationem pro poſiti ſui Domino redditurus. Epist. 55.

As alſo in an Epistle to Cornelius Biſhop of Rome, wherein he complains, that ſome of his Factionſ Presbyters, who had been condemn'd by the Biſhops of

of his Province, were fled to *Rome* to have their Cause heard by *Cornelius*, when (as he says) it was contrary to the Constitutions of the Church, and likewise to reason and equity, that a Cause should be try'd in any other Province but that where the Crime was committed; and that the Bishops of that Province are to give an account of their Actions to God, and not to other Bishops.

Nam cum statutum sit ab omnibus nobis, & æquum sit pariter ac justum, ut uniuscujusq; causa illic audiat, ubi est crimen admissum, & singulis Pastoribus portio gregis sit adscripta, quam regat unusquisque & gubernet, rationem sui actus Domino redditurus; oportet utique eos, quibus præsumus, non circumcursare, nec Episcoporum concordiam coherentem suâ subdola & fallaci temeritate collidere, sed agere illic causam suam, ubi & accusatores habere & testes sui criminis possint; nisi si paucis desperatis & perditis minor videtur esse auctoritas Episcoporum in Africâ constitutorum, qui jam de illis judicaverunt, & eorum conscientiam multis delictorum laqueis vineam judicii sui nuper gravitate damnaverunt. Ep. 59.

3. That a Bishop has *Deum solum judicem*, and *Deo soli debet se judici*.

These are not the Words of *St. Cyprian*, but of the Clergy of *Rome*, in their Answer to him concerning the Receiving of the *Lapsi* into the Church: In which, they applaud his Modesty in writing to them for their Judgments, when he was not at all oblig'd, but had power as a Bishop to act in a thing of that nature according to his own judgment, and was bound to give an account of his Actions in that Affair to God alone, not to any other Church.

Quaquam bene sibi conscius animus, & Evangelica disciplina vigore subnixus, & verus sibi in Decretis celestibus testis effectus, soleat solo Deo judice esse contentus, nec alterius aut laudes

condigni, qui cum conscientiam sciant Deo soli debere se iudici, alius tamen suos desiderant, etiam ab ipsis suis Fratribus compræhæri. Quod te, Frater Cypriane, facere non mirum est, qui præ ipsa verecundia & ingenitâ industria, consiliorum tuorum non tam iudices voluisti, quam participes inveniri, &c. Ep. 30.

4. That all Acts of the Church ought to proceed from Bishops.

These Words are gather'd out of the 33. Epistle to the *Lapsi*: Wherein he complains of the boldness of some factious Presbyters of his, who had taken upon 'em in the time of his Retirement to admit the *Lapsi* to Communion by their own Authority without consulting him, and in writing to him had pre-

After he had said that the power of Binding and Loosing was committed to the Apostles, he subjoins, *Inde per temporum & successio- rum vices, Episcoporum ordinatio, & Ecclesie ratio decurrit, ut Ecclesia* tended to write in the name of the Church. He briskly asserts the Authority of Bishops; he tells 'em that the Church consists in the Bishop, the Clergy and the People; and that in the Receiving of the *Lapsi* into the Church, it was necessary there should be the concurrence of the Bishop who had the power committed to him of Binding and Loosing.

Super Episcopos constituantur, & omnes actus Ecclesie per eosdem actus gubernentur. Cum hoc itaque Divina lege fundatum sit, miror quosdam nudaci temeritate, &c.

5. That it is an extream Insolence to pretend to pass judgment on a Bishop.

This he says with relation to private Persons, who pretend so to judge their Bishop as to leave his Communion if they think him unworthy to govern in the Church. He writes it to *Pupianum* a

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Confessor, who upon the account of some very ill things which St. Cyprian's Adversaries had maliciously accus'd him off, as committed before he was a Bishop, had withdrawn himself from his Communion.

qui unus est, & Ecclesia praeest, superbia quorundam praesumptione contemnitur, & homo dignatione Dei honoratus, indignus ab hominibus judicatur. Quis

enim hic est superbiae timor, qua arrogantia animi, qua mentis inflatio ad cognitionem suam Praepositos ac Sacerdotes vocare; ac nisi apud te purgati fuerimus, & sententia tua absoluti, ecce jam sex annis, nec Fraternitas habuerit Episcopum, nec Plebs Praepositum, nec grex Pastorem, nec Ecclesia Gubernatorem, nec Christus Antistitem, nec Deus Sacerdotem? &c. Ep. 66.

6. That to make ones self the Judge of a Bishop, is to pretend to judge God himself.

What he has to this purpose, is in the foresaid Epistle to Pupianus, and upon the foresaid occasion. He tells him that God, who, according to the Scripture, extends his Providence even to Sparrows, does in a particular manner concern himself in the Election of a Bishop, and therefore since himself was duly Elected, Pupianus took upon him to oppose the Judgment of God, in pretending to judge him unworthy.

Lastly, That a Bishop that invades another's See is no Bishop. *Et cum post primum secundus esse non possit, quisquis post unum qui solus esse debeat, factus est; non jam secundus ille, sed nullus est.* What is this to our Case? He speaks those words concerning Novatianus, who had violently invaded the See of Pope Cornelius, a good and innocent Man, one that had never been Depriv'd for any Fault, and who never refus'd to acknowledge the Emperour's Authority. Our new Bishops are not *secundi*, but *soli*, since the old Ones are Legally Depriv'd.

Ep. 55. Ad Anton.

I must here observe, that among all the Fathers there is no one speaks more for the Concurrence and Consent of the *Laity* in Matters relating to the ordering and governing of the Church, than our Author *St. Cyprian*. He declares in many places, that he would not do any thing in this or that Matter relating to the Church, till he had consulted both his Clergy and *Laity*, as particularly in the Case of the *Lapsi*. And he thinks it not onely convenient, but necessary for a Bishop to do so. For He, together with his Synod, call * *Therapius*, a

* See *Epist.* 64. Bishop, to account, and severely reprimand him, for presuming to admit into the Church a Presbyter, that had *laps'd*, without the Consent of the *Laity*. From this Example it is further observable, that, tho' *St. Cyprian* speaks so much for the Equality of Bishops, and that they are not responsible to one another for what they do as Bishops, as in the Case of the *Lapsi*; yet neither his own, nor the general practice of his Age, did truly agree with what he says. By what Authority did *St. Cyprian*, and his Synod, pretend to call *Therapius* to account, a Bishop as well as themselves? How could they pretend to have Power to turn that Presbyter again out of the Church, as they plainly intimate they had? They deriv'd, you will say, this Authority from the *Consent of the Church*. So Patriarchs, Metropolitans, Arch-Bishops are set over Bishops by the *Consent of the Church*, tho' by Christ's Institution all Bishops are equal. Query, Whether the *Consent of the Church of England* (were there nothing else to be alleg'd) be not enough to justify a Lay-Deprivation? If a Patriarch or Metropolitan can Deprive a Bishop by the Authority of the Church, why may not a *Lay-Judge* do the like?

I shall close this Discourse concerning the Authority of that Father, with that Question or Exposition which I find in *St. Augustine* his 48. Ep. to *Vincentius*, the *Rogantist*, (a Sect of the Schismatical *Donatists*) who had laid a great deal of Stress on the Authority of that Father for the Doctrine of *Re-Baptism*: If you are delighted, says he, (and so say I to our Adversaries) with the Authority of the holy Bishop, and glorious *Martyn Cyprianus*, which we do not hold to be equal to the Authority of Scripture, why do you not imitate him in this, that he held Communion with the Catholick Church spread over all the world, and defended the Unity of it by his Writings? In the same Epistle having quoted that place of *St. Cyprian* where he praises those *African Bishops* that refus'd to re-admit Adulterers into the Church, yet did not break the Peace of the Church, and separate from those that were of a different Opinion, he adds, what likewise we may well say to our Quoters of *St. Cyprian*: What say you to this, *Brother Vincentius*? You see that this Man, this peaceful Bishop, and most valiant Martyr, was not more concern'd for anything, than least the bond of Unity should be broken.

As the Authority of the Civil Power, of which we have hitherto spoken, is agreeable to Principles and Reason, so likewise is it to the Practice and Sentiments of the antient Church. To make this appear, and to put an End, if it be possible, to this Controversy, I shall present you, when occasion is given, with *A History of that Authority*, (viz. of the Civil Power over Ecclesiastical Persons, as well in Depriving as in otherwise punishing) throughout all ages, more especially that of the first Christian Emperour. I shall treat concerning that Matter with all the Fairness and

and Impartiality that becomes a faithful Historian, and a real Lover of Truth, concealing nothing that may seem to make for the Cause of our Adversaries. Yet this I shall demonstrate, that, tho' in the time of *Constantine* some persecuted Bishops were pleas'd to deny that the Emperour had any Authority at all over Bishops, yet the Emperour *Constantine* himself (so great a Lover and Honorer of Bishops as he was) and likewise the succeeding *Orthodox* Emperours, did oftentimes Judge and Deprive Bishops by their own bare Authority: That the Church in the time of that Emperour, as well as in after Ages, submitted to and acknowledg'd that Authority: That those Ecclesiastical *Canons* which ordain that Bishops (even for Political Crimes) are to be depriv'd onely by Bishops, did never oblige any Secular Government, but as they were allow'd off, and so made *Laws*, by that Government. I could willingly give you a *Foretaste* of a few illustrious Examples of Bishops depriv'd by the Emperour's sole Authority, and the Church's owning and acknowledging that Authority; but I find I have already exceeded what first I design'd on this Subject, and have done like a great many others, who, designing onely a *Lodge*, have been in danger of building 'em a *Seat*. I shall now proceed to the second general Proposition which our Adversaries are desir'd to make out, which is this,

2. That it is agreeable to the Practice of the Ancient Christians, for a Bishop unjustly depos'd (whether by the Emperour, or by Bishops) to withdraw himself from the Communion of his Successor tho' his Successor were not a Heretick. Let this be their Proposition: If they prove not that, they prove nothing. And the contrary is plainly demonstrated in our Treatise.

There

There are Two things, you tell me, besides the *Canons* above spoken of, which our Adversaries are wont to allege in Answer to that Treatise. They First endeavour to weaken the Authority of it, and Secondly they pretend that the Examples which it produces, are all of Bishops Synodically depriv'd, and therefore not to our Purpose. In answer to this second Exception, I shall undertake to demonstrate these Two things. 1. That the Ancients had no greater regard to an unjust Synodical Deprivation, than they had to an unjust Imperial Deprivation.

2. That several of those Bishops that are mention'd in our Treatise, were not Depriv'd Synodically, only by Bishops, but by the Emperor's sole Power and Authority. Neither did they resign their Bishopricks, but were violently turn'd out.

As for the Objections of our Adversaries against the Authority of our Treatise, tho' I know not of any Treatise of that age and nature that deserves to be more esteem'd, yet to wade all impertinent Disputes, and to shew that what we assert is not grounded on that onely Bottom, we will fairly make 'em this Offer: We will lay aside, if they please, the Authority of that Treatise, and enter the Lists with new Weapons. This is the Proposition we shall take upon us to demonstrate.

That it is contrary to the general Practice of the ancient Bishops, to recede, upon their being unjustly Depriv'd, whether by the Emperor only or by a Synod, from the Communion of an Orthodox Successor. I say, the general Practice. That's enough for us to demonstrate. For what if our Adversaries can produce us one or two Exceptions? How will that excuse Bishops who have

have always profess'd a great and due regard for the
general Practice of the Ancients. *and so it was*
 yet I must not consider before I have told you, as I
 promis'd you, other *Schisms* than was which was rais'd
 upon the account of *Josephus* and *Presbyter*, which, as
 appears by *Cotelerius* Copy, was the occasion of the
 writing our Treatise. You must know, Sir, in short,
 that in the Year 1586, *the Patriarch of CP.* was
 depos'd by a Synod, whereof the *Emper.* *Michael Pale-*
ologus was President, partly for certain Crimes of which
 he was accus'd, but chiefly for Contumacy in refu-
 sing to give his Appearance. He knew that the Em-
 perour was his Enemy, and therefore he pleaded that
 it was contrary to the *Canons* for him to sit Judge in
 the Cause of a Bishop. The Synod (a very great one)
 both acknowledg'd and asserted the Emperour's Au-
 thority, and alleg'd, it was agreeable both to Reason
 and the *Practice of the Ancients.* *Germanus* Bishop of
Adrianople, who was put into *Arsenius's* Place, resign-
 ing after a few Months, *Josephus*, the Emperour's
 Confessor and an Abbot, was advanc'd to that Honour.
 Hence arose a famous *Schism* amongst the Monks and
 the Common-people; some adhering to *Arsenius*, as
 unjustly Depriv'd; others being averse to *Josephus*
 because they lookt upon him to have been formerly
 Excommunicat by *Arsenius* and his Successors,
 and others pretending other Reasons. I find amongst
 the Monks and Common-people, for *Prothymus* assures
 us, that a Friend and Well-wisher to *Arsenius*, that
 in all the Church there were but Three Bishops that
 engag'd in the *Schism*, viz. those of *Al-Jandari*, *The-*
salonica and *Sardin*. Of which, the two last were the
 especial Friends and Creatures of *Arsenius*. Nor
 did these Bishops make a *Schism* and excommuni-
 cated

ther

ther Bishop was put into *Arsenius's* Place, whilst he was alive; for they presently began it, as it plainly appears from *Pachymeres*, as soon as *Arsenius* was depriv'd, before his Place was fill'd up; that is, they withdrew from the Communion (not of the Church in general, but onely) of those Bishops that Depriv'd Him: so *Pachymeres* expressly says of the Bishop of *Alexandria*. — Those Persons that refus'd to Communicate with *Iosephus* upon the Account of *Arsenius's* Deprivation, the Author of our Treatise endeavours to convince, by shewing by many Examples of Bishops unjustly Depriv'd, part of them by *Synods*, and part by the Emperour alone, how contrary it was to the Practice of the Ancients to violate the Peace of the Church on the account of such unjust or uncanonical Deprivations.

Being now assur'd what *Schism* that was, that occasion'd the writing of our *Treatise*, we cannot any longer be ignorant of the true Age of the *Author*. It cannot reasonably be doubted, but that our *Treatise* was written about the beginning of the *Schism*, and of *Iosephus's* Patriarchate, viz. in the Year 1267, for *Iosephus* was consecrated Patriarch the First of *January* 1267 as may easily be shewn, tho' *Petrus Possinus* would have it to be a Year later. This at least is apparent, that it was writ before the Death of *Arsenius* which happen'd on the last of *Sept.* 1273. for it plainly appears from the *Treatise*, that the Patriarch, for whose sake the *Schism* was rais'd, was alive when the *Treatise* was writ. It may further be gather'd out of the Sixth Book of *Nicophorus Gregoras* that this *Schism* lasted no longer, than the Year 1273, for he tells us the manner how it was ended, just after he had spoken of *Gregorius* (*Georgius*)

Cyprinus's being promoted to the Patriarchate, and before he speaks of the Patriarch *Vecons's* Banishment; which happen'd both on the foresaid Year. Here, Sir, I must retract what I formerly conjectur'd (tho very doubtingly) in my Preface to the Gr. and Lat. Edition, concerning *Nicephorus Callisti* his being the Author of our Treatise. For from what has been said it is manifest, that the Author of our Treatise was older than *Nicephorus Callisti*. For *Nicephorus* was not full 36. Years old when he publisht his *Eccl. History*, and yet when he publisht it, *Andronicus* the Emperour (Son to the above said *Michael Pal.*) who died in the Year 1327. near 70. Years of Age, was a very Old Man, as he plainly declares in

* *Itaque longissimam etiam tibi vitam* (ἐν τῷ μάλιστα σοὶ τὸ βιωτικὸν ἀποσπένδου) *quæ bona omnia, pro eo atque decuit, omnino in unum collegeris, obtigisse existimo: ut ex temporis diuturnitate ad incrementum gloria hoc tibi accederet, &c. p. 20.* There is mention made before p. 7. of the ἀρετὴ & ὡς of the Emperour, which the Interpreter renders, *etatis flos & vigor*. But that's a mistake: he ought to have render'd it there, *flos venustatis*. The Author flatters the old Emp. and tells him of the Symmetry of his Parts, and his florid complexion.

his * *Dedication*. There needs no Argument to confirm so clear a Demonstration. Yet others may be produc'd, as that which we ourselves formerly urg'd in the foresaid Preface, as an Objection a-

gainst the Conjecture we had made; that the Author of our Treatise ranks the Patriarchs of CP. that govern'd in the time of the Emp. *Isaacus Angelus*, in this Order; *Basilus, Nicetas, Leontius, Dosithens, Xiphilinus*: But *Nicephorus*, in a MS. Catalogue of the Patriarchs of CP. thus: *Basilus, Nicetas, Dosithens, Leontius, Dosithens agen, Xiphilinus*. To which may be

be added, that the Predecessor of *Macedonius*, that was depos'd by the Emp. *Anastasius*, is by *Nicephorus* both in his *Catalogue* and in his *Hist.* nam'd *Euphemius* (as the more ancient Writers are wont to call him) but by the Author of our Treatise, *Euthymius*. I once thought that this was onely an Error of the Librarian, tho he be so call'd in Three places; but since I have observ'd, that by the more Modern Greeks he was usually so nam'd. He is so call'd likewise by *Cedrenas*, *Metaphrastes*, *Theophanes*, the *Eighth General Council Act. VI.* and by others.

I was here, Sir, about to subscribe a *Vale*, and I thought on nothing but to ease you of your poring on an ill Hand, and on sending away these Papers to the Coach; But casting my Eyes a Second time on your Letter, I found that through Hast I had overlookt your *Postscript*, in which you mention an Empty and Scurrilous Pamphlet, call'd, *The Oxford Antiquity Examind*, and are pleas'd to ask me this Question, whether or no I design to Answer it? I do not wonder, Sir, you should so far forget that Pamphlet, when you wrote your Letter, as to throw it down to a *Postscript*, I rather wonder you should ever mind it at all, but above all I wonder, how you came to be so far forgetful of the Humour of your old Acquaintance, as to ask me that Question. How often have you heard me say, That I hate to strike on a Thing that is Hollow and Empty, which can onely return Noise! The Author of that Pamphlet is too much a *Felo de se* to need the Hand of an Adversary. How excellently does he infer from one or two Mistakes, which he endeavours to discover in our Treatise, that all the rest is nothing but Error and Blunder! An incomparable Erge! A rare Logician! How pleasant is it to observe

to what sorry Shifts our *Second-hand-Writer* is reduc'd
 where he speaks of the Authority of *St. Chrysostom!*
 But I must not say, *How pleasant* is it to me to see
 one, to see to what *Pain* he is put by that *Weight* that
 lies upon his *Head*, what *Turns* and *Twists* he makes;
 how the poor Creature *wriggles* and *resses* his *Tail* up
 and down; And all to as little purpose as a *Bird* on a
Limbe-wig, the more it *flutters* the more it is *caught*.
 No wonder he is so hugely in *Wrath*, and falls so foul
 upon the *Publisher* and even the *Licensor* of that *Trea-*
tise. Here it comes into my *Head* what a *Friend* of
 ours said, when I shew'd him some *Libellous* Letters,
 which have very freely been sent me; *Bless us!* says he,
 what a *Bawling* here is, what a *Squalling* and *Calling* of
Names; when a Person has been *foundly* *Beaten* and
 from the *fearful* *Writhers* let us pass, *Sir*, if you
 please, to the *fearful* *Adversaries*, those *masters* of
Reflection and *Censure*, who, you say, are so free upon
 this *Occasion* with the *Name* and *Reputation* of your
Friend. I thank you, *Sir*, for this good Advice which
 you give me. But here again I must blame you, for for-
 getting me to far, was to say I may be capable of be-
 ing disturbed by the *Insults* of *Adversaries*. Can you
 think me to *Presume*, as to have *Regard* to these
Princes of the *Republic*, when any *Abuses* or *Di-*
tractions, of either the *Angly* or the *Enghly*, can so
 much move me as to turn me any way from my *Duty*.
 This I say, saying you know, of *Gualthins* and
Gomer & *ferre* *molam*. The *Merry*, I have no
 thing to say to, I leave that to *Gualthins*, and the
 rest of his *Fellow-Pretenders*, but the *Poor*, I my
 self do pretend to. Be pleas'd to tell my *Encomasts*,
 when

when you hear any of 'em *Harangue*, that I never thought the *World* so much a *Utopia*, as not to expect their *Elogiums*. May they long and freely enjoy their own Humours, as I am resolv'd to enjoy Mine. But withal let 'em know, that, by way of Return, I have something for Them full as *hot* as those *Coals of Fire*, which our great and common Master has commanded me to *heap upon their Heads*. To be short, *Sir*, give 'em my Service, and tell 'em they have the *Prayers* of

Your Humble Servant.